

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WITOLD A. ZIARNO

Appeal No. 1997-3968
Application 08/318,914

ON BRIEF

Before HAIRSTON, KRASS, and TORCZON, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 13 and 28 through 37. In an Amendment After Final (paper number 13), claim 8 was amended. According to the examiner (paper number 14), the amendment had the effect of

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overcoming the indefiniteness rejection of claims 8 through 13.

The disclosed invention relates to a method and apparatus for accepting a plurality of successive contributions via a portable, hand-held contributions management terminal.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method of simplifying and inducing the giving of monetary contributions by contributors, receiving and immediately recording thereof upon receipt comprising,

providing the contributors making monetary contributions with a portable, hand-held terminal having a routine for accepting a plurality of successive contributions having voluntary numerical amount inputs for making of record information of respective contributions, said terminal having its own source of electric power and a plurality of entry keys manually operable for entering a numerical amount of the monetary contribution given, a reader on said terminal for reading a card record having indicia thereon identifying the contributor making the monetary contribution, the terminal having means for visual display of the monetary amount entered by manual operation of entry keys, and the terminal having means for recording the numerical amount of the contribution including means for storing numerical information of the monetary amount given correlated to the indicia read on said card record of the corresponding contributor, and said correlated amount and indicia read by said reader for eventual off-loading thereof by off-loading means.

The references relied on by the examiner are:

Teicher	5,206,488	Apr. 27,
1993		
Kumar	5,294,782	Mar. 15,

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1994

The following additional evidence was relied on by the examiner:

A "conventional offering plate," and "commonly known prior art procedures" (Answer, page 5).

Claims 1 through 13 and 28 through 37 stand rejected under 35 U.S.C. § 103 as being unpatentable over the conventional offering plate, commonly known prior art procedures, Teicher and Kumar.

Reference is made to the briefs and the answers for the respective positions of the appellant and the examiner.

OPINION

The obviousness rejection of claims 1 through 13 and 28 through 37 is reversed.

The examiner indicates (Answer, page 6) that it is known to manually pass a conventional offering plate between successive contributors, and that it is known to accept a donation by means of a credit card "without pre-authorization or authorization at the time the donation/pledge is made." In view of Teicher's teaching that a debit/credit card is more

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advantageous than cash because it "minimizes costs and hazards associated with cash usage" (column 8, line 57 through column 9, line 1), and the commonly known prior art, the examiner is of the opinion that "it would have been obvious to modernize and update the conventional offering plate so as to be able to process debit/credit cards as well as receive cash contributions as taught by Teicher" (Answer, page 6). Kumar discloses a portable, battery-powered, hand-held terminal device 10 that can read credit cards (Figure 1; column 3, lines 39 through 47). In view of Kumar's teachings, the examiner contends that (Answer, pages 7 and 8):

[I]t would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate such an old and well known portable electronic device/terminal to a conventional offering plate as modified by commonly known prior art procedures in view of the teachings of Teicher, due to the fact that Kumar's electronic device/terminal is portable, feasible, compact, and mostly to provide the conventional offering plate with the latest technology which accepts both credit cards as well as cash contributions. Clearly, one of ordinary skill would recognize the convenience and benefits of using credit cards instead of cash in any application. As noted above, the conventional offering plate is employed to accept a plurality of successive contribution transactions. The routine controlling the terminal of Kumar accepts successive transactions as well.

Notwithstanding our agreement with the examiner that it

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would have been obvious to the skilled artisan to substitute a debit/credit card for cash, we must nevertheless agree with the appellant (Brief, page 30) that:

The Examiner concedes that the conventional offering plate does not have a card reader. The Examiner must also concede that the conventional offering plate is not electronic, nor is it self-powered, nor does it have applicant's routine as recited. The Examiner further admits that even if unrelated, diverse, and non-analogous art sources are combined (the conventional offering plate art . . . and the vending machine, toll booth, train ticket art (Teicher)), **Applicant's** claimed method and the device which enables the method are not taught or suggested. The Examiner looks to yet another unrelated and non-analogous source of art, Kumar (the portable supermarket cash register art), for alleged teachings therefrom. This still does not make out a *prima facie* case of obviousness because all of the elements of the device, including Applicant's **routines**, which enable the Applicant's method are not in the alleged combination of teachings from unrelated and non-analogous sources of art.

In summary, the obviousness rejection is reversed because we agree with appellant's argument (Reply Brief, page 4) that "[t]he Examiner has conducted a **text book case of hindsight reconstruction of the Applicant's method and apparatus using alleged teachings of at least two of three unrelated, diverse, non-analogous sources of art.**"

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DECISION

The decision of the examiner rejecting claims 1 through
13 and 28 through 37 under 35 U.S.C. § 103 is reversed.

REVERSED

	Kenneth W. Hairston)	
	Administrative Patent Judge)	
)	
)	
)	
	Errol A. Krass)	BOARD OF
PATENT	Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
	Richard Torczon)	
	Administrative Patent Judge)	

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